

QUESTIONS AND ANSWERS

General Questions (applicable to all three grant programs)

1. **Q: Can grant funds be used to assist an entity with mitigation requirements contained in a HCP or section 10 permit conditions?**

A: No. A proposal cannot include actions required to satisfy a permittee's mitigation responsibilities. A proposal can include actions that complement mitigation actions.

2. **Q: Can grant funds be used to help an entity come into compliance with a biological opinion?**

A: No. Federal action agencies and their permittees are responsible for meeting the terms and conditions in biological opinions.

3. **Q: Can grant funds be used to assist an entity in complying with local, State or Federal regulations?**

A: No. We do not intend to grant funding for projects that serve to satisfy regulatory requirements at the local, State, or Federal level (e.g., mitigation for local, State, or Federal permits). However, actions over and above any existing regulatory requirements would be considered eligible for funding.

4. **Q: Can Section 6 grant monies be applied to projects that have obtained funds through another Federal nexus, such as the Federal Aid in Sport Fish Restoration and the Federal Aid in Wildlife Restoration programs?**

A: Yes. These grants may be used to fund distinct aspects of complex or ongoing projects that have obtained grant funds from other Federal sources; full disclosure of the project including, but not limited to, the specific projects and respective funding from each Federal program must be fully described in the proposal. However, accomplishments anticipated under the Section 6 grant should stand on their own and not rely on monies obtained from other Federal sources. If it is an ongoing project, previous phases must already be successfully completed. Use of section 6 funds for these purposes must adhere to all other Federal regulations governing such use.

5. **Q: Can projects that have multiple sources of Federal funding use these other sources of funding as part of the non-Federal match?**

A: No. Any and all sources of Federal funding are considered Federal, and therefore can not be included as part of the non-Federal match.

6. Q: Can National Fish and Wildlife Foundation (NFWF) funds be used as part of the non-Federal cost share?

A: Yes and No, NFWF funds can not be used as part of the non-Federal cost share unless it can be demonstrated that the origin of such funds are non-Federal. NFWF receives funding from a variety of sources, including Federal sources. Therefore, unless it can be clearly demonstrated that NFWF funds are non-Federal in nature, and not commingled with Federal funds, use of NFWF funds will not be accepted as part of the non-Federal cost share.

7. Q: How is the cost share by non-Federal partners determined?

A: What we would like to know is the amount or percent of the total project cost that will be provided by the project's non-Federal partners. These contributions can be in-kind, through staff time or use of non-Federal equipment, or financial assistance. A proposal must include at least 25 percent non-Federal cost share as per section 6 of the ESA, if one State is involved. If two or more States or Territories are contributors to the project, the non-Federal cost share decreases to 10 percent. To determine the cost share necessary, first determine the total cost of the project then multiply the total cost by .25 or .10, this is the amount necessary for the match. For example, if the estimated project cost is \$1,000, then \$250 ($1000 * .25$) must be provided by our non-Federal partners. If two or more States are contributors, the non-Federal cost share drops to \$100 ($1000 * .10$). Proposals that have a higher cost share by non-Federal partners will rank higher in all.

8. Q: For Insular Areas including the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Government of the Northern Mariana Islands that are exempt from any matching requirements under all Fish and Wildlife Service Grant Programs (based on an August 23, 1993, Director's Memorandum), how will the ranking factors for additional cost sharing be addressed given that no such match would be necessary?

A: With regard to the ranking factors that provide additional points for additional cost sharing, proposals received from the Insular Areas listed above shall receive additional points for cost sharing in proportion to the additional points awarded to State proposals (i.e., 2 additional points for each additional 5% of cost share provided above the required minimum of 0%).

9. Q: How many years may a project proposal be submitted for? OR What is the grant agreement period?

A: The Service has determined that the grant agreement period shall be for up to three (3) years (i.e., three years or less). Therefore, any work proposed in a project proposal must be completed within a three-year time frame. This time frame begins with a signed grant

agreement (i.e., obligation of funds) and ends with grant closeout. All work must be completed within this time. We highly recommend that project proposals are structured in such a way that annual costs and related accomplishments are clearly identifiable. In this way, partial funding may be awarded based on the reported annual expenditures and anticipated accomplishments stated in the proposal, should this prove necessary. Please keep in mind that submitting a project in one fiscal year does not preclude submitting the same or similar proposal in subsequent years for additional funding. For grants extending beyond one year, performance reports will be due annually.

10. Q: Can management in perpetuity be used as the State match for these grant projects?

A: Yes. Provided that funds sufficient to cover management costs in perpetuity are secured within the grant agreement period (3 years), these management funds can be used as the State match. For example, funds could be placed in a non-wasting endowment escrow account where the amount of interest received annually from the account is sufficient to cover the management needs. For instance, an endowment of \$400,000 invested using a 5% capitalization rate would produce \$20,000 annually. The \$400,000 could be used as the match for the Federal grant, provided these funds were placed into the non-wasting endowment escrow account within the grant agreement period. In order to use the management funding as the match, the State would need to document what activities would occur on the property and how much those activities would cost annually.

11. Q: Can activities such as habitat and species surveys be used as the State match for these grant projects?

A: Yes. Initial management costs including habitat and species surveys may be used as the State match provided that the costs are accrued and the work is completed within the grant agreement period (3 years). These initial management costs must be incurred for work carried out on the land acquired with the grant or in the case of HCP planning grants, within the planning area associated with the grant. In addition, such work and the associated costs must be considered “allowable costs” per OMB guidelines, which can be obtained through our Federal Aid office in each Region.

12. Q: Will States and Territories be able to claim reimbursement for administrative costs (overhead), especially for those funds that will be forwarded to local or private conservation efforts, and how will appropriate overhead rates be determined?

A: Yes. These costs can be included as long as they follow the OMB guidelines for administrative costs, which can be obtained through our Federal Aid office in each Region. Please note that full-time equivalents (FTE) costs by States, Territories, counties, and other entities must be tied to a specific project and should be included in these proposals sparingly. Likewise third party administrative costs should be kept to a minimum and used sparingly.

13. Q: Given that listed plants are usually not protected on private lands, will plants be eligible for consideration?

A: Yes. We encourage recovery of plants on private lands, especially for plants that are unique within their area or region, last known populations, or for other unique considerations. For HCPs, we do list plants on section 10(a) permits as a covered species.

14. Q: Are Tribes eligible to receive funding directly through these grant programs?

A: No. By law, these grant programs apply only to States and territorial agencies that have current Cooperative Agreements with the Service. However, States may submit proposals involving Tribes, i.e., Tribes may receive funding by working cooperatively with the State. In FY 2002, there are two new grant programs outside the section 6 Cooperative Endangered Species Conservation Fund Grants to States program that are available to Tribes. We encourage Tribes to contact the Native American Liaison in each Regional office to find out more about these new grant programs.

15. Q: Can a State submit a proposal for reimbursement of previously purchased land?

A: Yes and No. Provided that the proposal is consistent with, and meets all the requirements of the applicable grant program, including a demonstrated conservation benefit, proposals for reimbursement of previously purchased land will be accepted for consideration. Previously purchased and conserved State lands, and lands that have been previously purchased with Federal funds would not be eligible. For example, property purchased up to two years ago to preclude the risk of imminent habitat loss for a listed species would be considered for reimbursement.

16. Q: Can National Marine Fisheries Service (NMFS) listed species be included in proposals?

A: Yes and No. Project proposals may be submitted for species with which the Service shares joint jurisdiction with NMFS, when that proposal would benefit the jointly listed species while it is within the jurisdiction of the Service. (e.g., a proposal for beach acquisition that would benefit a jointly listed sea turtle species would be acceptable). Proposals for those species solely under NMFS jurisdiction, or that benefit a shared jurisdiction species only while it is within the jurisdiction of NMFS will not be considered. This is not to say that a proposal should not point out additional benefits to NMFS listed species when discussing other merits of the proposal, only that these benefits will not contribute to any of the scoring criteria.

Recovery Land Acquisition Grants

1. Q: Can the grant funds be used in planning for acquisitions?

A: No. These funds are provided to States and Territories for the acquisition of habitat and are not intended for planning purposes. Also, these funds shall not be used to fund land acquisitions associated with permitted HCPs.

2. Q: Will perpetual conservation easements satisfy the criterion for a “commitment to funding for and implementation of management of the habitat in perpetuity”?

A: Yes, provided that the easement is established in perpetuity for the purposes of the grant, and that the easement provides for the management of the habitat in perpetuity.

3. Q: Does land acquisition (the land to be acquired) have to be specifically mentioned in a recovery plan to qualify for this grant?

A: Yes and No. When a recovery plan for the species in question exists, the land acquisition must be consistent with the recovery plan. However, if a proposal is considered based on justification provided under one or more of the three exemptions stated in the eligibility criteria, then the land to be acquired does not have to be addressed in a recovery plan.

4. Q: Must a species be downlisted or delisted to obtain maximum points in ranking factor one?

A: No. While downlisting and delisting are desirable endpoints, a high benefit to recovery could exist if the majority of the species' range-wide habitat is protected, an essential piece of habitat is protected, major recovery goals are accomplished, or major threats to the species are eliminated or significantly reduced.

5. Q: Is the eligibility criterion that “habitat must be set aside in perpetuity for the purposes of recovery” appropriate, particularly if the species in question is either delisted due to recovery or goes extinct?

A: Yes. If the species is delisted due to recovery, then the habitat acquired as part of the recovery process should be maintained to insure that habitat loss does not contribute to species decline in the future. Indeed, the degree of habitat protection is a primary consideration in delisting determinations. Furthermore, land set aside for the recovery of one species often provides benefit to other listed species or species of concern. For that

reason setting aside the property in perpetuity may provide numerous benefits to species other than the “target” species. There are also instances where a species is presumed to be extinct, only to be “found” later in time. Therefore, setting the property aside in perpetuity is prudent. However, should the “target” species become extinct and the habitat provide no significant benefit to other species, then the Service could revisit this on a case by case basis (it would likely require exchange with other land.)

Habitat Conservation Planning Assistance Grants

1. Q: Must an HCP be completed within a year to qualify for this grant?

A: No. As stated in the eligibility criteria, the proposal must involve a discrete activity(ies) that can be accomplished within the grant agreement period (each activity must have an identified starting point and end point); for example, developing public outreach brochures, gathering baseline data for an HCP, finalizing the HCP documents). Furthermore, the proposal should identify work elements that will be completed annually during the grant agreement period. Identifying elements that will be completed annually will facilitate our ability to provide partial funding to a proposal should that become necessary. However, an HCP does not need to be completed in its entirety within one year to qualify for this grant.

2. Q: Must all ALL discrete activities identified in the proposal, for which funding is sought, be completed in one year to receive an additional point in the time to completion criteria?

A: YES ALL discrete activities identified in the proposal, for which funding is sought, must be completed in one year to receive points in this category, it is **NOT** sufficient for one or more discrete activities to be completed in one year with other identified discrete activities being completed in subsequent years, if funding for those additional activities is being sought through this proposal.

3. Q: When does the one year time frame begin and end?

A: One Year, for the purposes of this grant program, is defined as the close of the calendar year subsequent to the calendar year in which funding was appropriated. For example, if funding was awarded in September of 2002, ALL discrete activities for which funding is sought must be completed by December 31, 2003 in order to receive the additional point in ranking criteria number eight.

HCP Land Acquisition Grants

1. Q: Why is the HCP Land Acquisition Program targeted toward larger, multiple species HCPs?

A: The underlying spirit of the HCP program is to encourage state and local governments and private landowners to undertake regional and multiple species planning efforts. These large-scale, regional HCPs can significantly reduce the burden of the ESA on small landowners by providing efficient mechanisms for compliance, distributing the economic and logistical impacts of endangered species conservation among the community, and bringing a broad range of landowner activities under the HCPs legal protections.